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1-14. (cancelled).

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15. (currently amended) ~~Apparatus~~ An apparatus, comprising:

a processor;

a media player;

a program code module comprising code executable by the processor to carry out the

5 following method steps:

as a media stream is being received from a first server and rendered by the media player,
determining whether the media stream is acceptable according to a given metric;

if the media stream is not acceptable, and as the media stream continues to be received,
taking a given action to initiate delivery of the media stream from a second server, wherein the
10 given action includes the steps of: (a) creating a buffer; (b) receiving and caching in the buffer
advanced portions of the media stream; (c) issuing a request to the second server to initiate
delivery of the media stream at a given offset; and (d) rendering the advanced portions of the
media stream; and

receiving the media stream from the second server; and

15 when the given offset is reached, rendering in the media player the media stream received
from the second server in the media player.

16. (currently amended) The apparatus as described in claim 15, wherein the code is
executable by the processor to initiate an instruction to the first server to cease transmission of
20 ~~the media stream after the media player begins rendering the media stream received from the~~
~~second server before rendering the advanced portions of the media stream.~~

17. (canceled).

25 18. (previously submitted) The apparatus as described in claim 15, wherein the code
is executable by the processor to match data packets received from the first and second servers
such that the media stream rendered in the media player appears continuous.

19. (canceled).

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20. (previously submitted) The apparatus as described in claim 15 wherein the media stream is not acceptable if it is being thinned by the first server.

21. (previously submitted) The apparatus as described in claim 15 wherein the media stream is not acceptable if a given indication from the first server is received.

22. (currently amended) The apparatus as described in claim ~~15~~ 21 wherein the given indication is that the first server will be unavailable.

23. (previously submitted) The apparatus as described in claim 15, wherein the code executable by the processor determines that the second server has a response time that differs from a response time of the first server.

24. (previously submitted) The apparatus as described in claim 15, wherein the code executable by the processor determines whether the media stream is acceptable periodically as the media stream is being delivered.

25. (previously submitted) The apparatus as described in claim 15, wherein the code executable by the processor records given data associated with receipt of the media stream.